



DATE: July 13, 2000

STATE MINING & GEOLOGY BOARD

POLICY COMMITTEE

Item 1: Review and Consideration of El Dorado County's Proposed Amended Surface Mining and Reclamation Ordinance for Certification by the Board

BACKGROUND: The Board certified El Dorado County's surface mining ordinance on November 13, 1997. On June 7, 2000, the County proposed to amend its ordinance. The proposed amendment is now before the Committee.

When draft ordinances are received for review, they are examined for Content, Clarity, and Conflict. The review is conducted by the Executive Officer, and may employ one or more administrative and/or technical analysts from the Office of Mine Reclamation, and the SMGB's legal counsel.

- **Content:** The ordinance is examined to determine if all the areas in SMARA that are required to be addressed in the ordinance are contained within the ordinance.
- **Clarity:** The contents of the ordinance are examined to determine if they are clearly stated, or might be construed in more than one way, which might lead to later confusion.
- **Conflict:** The contents are examined to determine that they are not in conflict with statute, nor are they internally in conflict with other portions of the ordinance .

The Staff Review offers two types of review comments: Recommendations and Suggestions. These comments are not binding, and are offered as a constructive service.

Recommendations are comments that should be followed if the ordinance is to be certified by the SMGB. These recommendations relate to serious omissions in content or statements in conflict with SMARA or the SMGB's Regulations.

Suggestions are comments that are made to improve the clarity of statements, usually by making them more complete or by offering references.

EXECUTIVE OFFICER'S RECOMMENDATION: The Executive Officer concludes, based on internal reviews and findings, that the proposed amendment to the surface mining ordinance for El Dorado County is not in conflict with SMARA and the SMGB's regulations. The Executive Officer recommends the Committee approve the proposed amendment to El Dorado County's ordinance and recommend the modified ordinance for certification by the SMGB upon adoption by the County.